

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 21, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-31747 - APPLICANT: PEOPLES LOAN CENTER CORPORATION - OWNER: MARK DRESCHLER

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Financial Institution, Specified use.
2. Conformance to the depicted parking plan approved by Plot Plan (U-0032-82), if approved.
3. A Waiver is hereby approved to allow a Financial Institution, Specified to be located zero feet from a similar use where a 1,000-foot separation is the minimum required.
4. A Waiver is hereby approved to allow a Financial Institution, Specified to be conducted from a location which has 1,050 square feet of floor area where 1,500 square feet is the minimum required.
5. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
6. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, or other similar attention gaining item or devices shall be displayed upon the subject property or e in the parking lot of the subject property without the appropriate permits.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit to allow a Financial Institution, Specified with Waivers to allow 1,050 square feet of floor area where 1,500 is required and a zero-foot distance separation to another Financial Institution, Specified where 1,000 feet is required at 5310 West Sahara Avenue, Suite A. As the proposed use fails to comply with the minimum Special Use Permit requirement, staff is recommending denial of this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
c. 1982	The City Council approved a Rezoning (Z-0032-82) from N-U (Neighborhood Urban) to C-1 (Limited Commercial) and a Plot Plan for 18,432 Shopping Center and Office building.
12/18/08	The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #18/leh).
<i>Related Building Permits/Business Licenses</i>	
11/21/02	A business license (#C21-00134) was issued for a Financial Institution, Specified at 5310 West Sahara, Suite C. The license was marked out of business on 02/06/08.
<i>Pre-Application Meeting</i>	
09/17/08	Requirements for a Special Use Permit application were discussed with the applicant.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not held, nor was one required.	

<i>Field Check</i>	
11/06/08	Staff conducted a field check of the subject location and found it to be unoccupied tenant with signage still in place from the previous tenant.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.02

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center/Office	SC (Service Commercial)	C-1 (Limited Commercial)
North	Office	SC (Service Commercial)	P-R (Professional Office and Parking)

South	Automotive Dealership	GC (General Commercial) Clark County	C-2 (General Commercial) Clark County
East	Athletic Club	SC (Service Commercial)	C-1 (Limited Commercial)
West	Office	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y*

** The subject property is located within 80 feet of unincorporated Clark County. This meets the criteria of a Project of Regional Significance which must be submitted if a Special Use Permit application is made concerning property within 500 feet of the City boundary with Clark County or North Las Vegas. A Project of Regional Significance has been filed and submitted to the appropriate agencies and no comments have been received.*

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

in addition to the table, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Financial Institution, Specified	1,050 SF	1:250	4	1	5		Y*
Tavern-Limited Establishment	4,050 SF	1:50 Public Seating Area, 1:200 Remaining GFA (Minimum of 10 Required Space)	48	2	14	1	Y*

General Retail Store, Other Than Listed (Less than 3,500 Square Feet)	2,100 SF	1:175 SF	12		3		Y*
Office	11,232 SF	1:300	36	2	33	1	Y*
Subtotal			100	5	55	2*	Y*
TOTAL	18,432 SF		105		57*		Y*

**Per Title 19.10.010 (c) Standards the subject site is considered parking impaired and therefore does not require a Variance for parking. A condition has been added requiring compliance with Plot Plan (U-0032-82) which depicts two handicapped parking spaces on site.*

Waiver		
Request	Requirement	Staff Recommendation
To allow 1,050 square feet of floor area where 1,500 is required.	1,500 square feet	Denial
To allow a zero-foot distance separation from another Financial Institution, Specified where 1,000 feet is required.	1,000-foot distance separation between Financial Institution, Specified uses.	Denial

<i>Waiver Information for Distance Separation</i>				
Type of Use	Name (License #)	Address	Required Distance	Distance Provided
Financial Institution, Specified	Cash Bucks Payday Loan (C21-00134)	5310 West Sahara Avenue, Suite C	1,000 Feet	0 Feet

ANALYSIS

This is a request for a Special Use Permit for a 1,050 square-foot Financial Institution, Specified with Waivers to allow a zero-foot distance separation from another Financial Institution, Specified where 1,000 feet is required and to allow a 1,050 square foot suite where 1,500 square feet are required at 5310 West Sahara Avenue, Suite A.

- **Zoning**

The subject property is designated SC (Service Commercial) under the Las Vegas 2020 Master Plan. The SC (Service Commercial) land use classification allows for low to medium intensity retail, office or other commercial uses that serve primarily local area patrons and that do not include more intense general commercial characteristics.

The subject site is zoned C-1 (Limited Commercial). The C-1 (Limited Commercial) District is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) District is consistent with the SC (Service Commercial) category of the General Plan. The proposed use is allowable in a C-1 (Limited Commercial) zoning district with a Special Use Permit.

- **Parking**

The site plan indicates 57 parking spaces are provided where 105 are required. The subject shopping center was constructed in 1985 and meets the Title 19.10.010 (c) Standard to be considered a Parking Impaired Development. Though no handicapped parking spaces are depicted on the submitted site plan upon further research staff finds two spaces depicted upon the original construction drawings. One space is adjacent to a handicapped accessible ramp near the northeast corner of the Shopping Center and the other adjacent to the southeast corner of the Office building. A condition has been added requiring restriping of these spaces if the spaces are not currently designated handicapped. Title 19.10.010 (c) sets forth the following guidelines for a Parking Impaired Development:

“A land use or building which is existing on the effective date of this Title and which complied with the applicable parking standards at the time the use or building was established, but which does not comply with the requirements of this section, shall not be considered a nonconforming use or a non-conforming building; but rather, it shall be considered a “parking-impaired development.” The following rules shall apply to the remodeling, alteration, expansion or reuse of parking-impaired developments:

1. Building permits and certificates of occupancy may be issued for remodeling or structural alterations of parking-impaired developments without requiring compliance with this Chapter, providing that such work does not increase in the number of required parking spaces.

2. For any remodeling, alteration, or expansion of a parking-impaired development that requires an increase in the number of parking spaces, including the expansion of existing buildings or the construction of new buildings, only the increased number of parking spaces shall be required.
3. For any change of use that requires an increase in the number of required parking spaces, only the increased number of parking spaces shall be required.”

The proposed use does not require more parking than the previous use, therefore is in compliance with Title 19.10 requirements.

- **Use**

The proposed use as a Financial Institution, Specified requires a Special Use Permit within the C-1 (Limited Commercial) zone. If approved, this application for a Special Use Permit would fulfill that requirement.

Title 19.04 defines the Financial Institution, Specified as:

Any business whose primary function is to:

1. Lend money;
2. Cash checks or other negotiable instruments for a fee, service charge or other consideration; or
3. Provide funds in exchange for the acceptance of a check or post-dated or deferred-deposit basis.

This use includes without limitation a business that provides check cashing, service as a principle service offered, a paycheck advance service, and any business primarily providing cash loans, installment loans or cash advances. The term does not include a pawn shop or limited check cashing service, as defined in this Section.

- **Conditions**

Title 19.04.050 lists the following conditions for the Financial Institution, Specified use, adopted by City Council April 21, 2004:

1. The use shall comply with all applicable requirements of Title 6.
2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.

3. No temporary signs (as described in Title 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a “grand opening” or that a business is “coming soon” may be approved administratively for a period not to exceed thirty days.
4. Window signs shall not:
 - a. Cover more than twenty percent (20%) of the area of all exterior windows;
 - b. Include flashing lights or neon lighting; or
 - c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.
5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
6. The building or portion thereof that is dedicated to the use shall have a minimum size of one thousand five hundred square feet, and shall have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as “teller” windows or desks).
7. No specified financial institution use may be located closer than two hundred feet from any parcel used or zoned for residential use. In addition, no specified financial institution use may be located closer than one thousand feet from any other specified financial institution use, auto title loan use or pawn use. For purposes of this Paragraph (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term “property line” refers to lines of fee interest parcels and not leasehold parcels.

The proposed Financial Institution, Specified use fails to meet Condition number 6 as the subject location is 1,050 square feet and also fails to meet Condition number 7 as it is located zero feet from another Financial Institution, Specified where a 1000-foot distance separation is required. The applicant has requested Waivers from each of these conditions. As part of this application for a proposed Financial Institution, Specified fails to comply with the minimum Special Use Permit requirements of Title 19.04; staff recommends denial of this application.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The applicant has requested two Waivers of Title 19.04 distance separation requirements between the use and another Financial Institution, Specified use. Title 19.04 requirements for minimum commercial suite size for the proposed use are 1,500 square feet and the applicant is proposing the use within an approximately 1,050 square foot suite. In addition a business license for a Financial Institution, Specified could be reactivated within the subject shopping center, which would result in two Financial Institution, Specified uses within a relatively compact commercial shopping center. Due to a lack of adequate space to conduct the use in a harmonious and compatible fashion, and the possibility for over saturation of the use within the subject commercial center staff finds the proposed location inappropriate for the use.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is not physically suitable for the type of use, as Title 19.04 requires “a minimum size of one thousand five hundred square feet, and shall have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as “teller” windows or desks).” Staff finds the proposed site inappropriate for the use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The subject site has access to Sahara Avenue, which is designated a 100-foot Primary Arterial Highway and Potosi Street 60-foot Local Collector by the Master Plan of Streets and Highways. These roadways have more than adequate capacity to meet the additional traffic that the proposed use would generate.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed use will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.

5. The use meets all of the applicable conditions per Title 19.04.

The use fails to meet two conditions set forth for the use by Title 19.04. Title 19.04 requires a 1,500-foot distance separation between the proposed use and another Financial Institution, Specified use where zero feet is provided. The applicant is also requesting 1,050 square feet of floor space where 1,500 is required by Title 19.04. These Waivers requested indicated the subject site is not a suitable location for the proposed use; therefore denial of this request is recommended.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 3

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 89 by City Clerk

APPROVALS 0

PROTESTS 1